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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Petitioner,

VERONICA VASQUEZ

v.

ALBERTO GONZALEZ, ATTORNEY
GENERAL OF THE UNITED STATES
AND

CHARLES De Moore,
Acting District Director,
San Francisco Office, U.S.
BUREAU OF CITIZENSHIP AND
IMMIGRATION SERVICES

Respondents

C-07-2407 MEJ

RESPONSE TO GOVERNMENT

ANSWER

Petitioner is mystified by the Government answer. Unless I am mistaken, the mandamus statute has not been repealed.

Furthermore, unless there have been profound administrative changes in immigration law procedure, the Respondents are the only entity that is empowered to adjudicate an application for Adjustment of Status to Permanent Residency.

1 There is no private immigration firm. If we are unhappy with
2 the Post office, we can use Federal Express.

3 The Petitioner dos not have that luxury. She is simply asking
4 the Respondents to adjudicate her application in a timely fashion.
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6 Dated: _____ 2007
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11 Frank P. Sprouls
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18 the Government is filing a contemporaneous "Stipulation
19 to Hold Case in Abeyance."

20 The following is the relevant procedural history-

21 Petitioner's spouse was granted political asylum on July 1,
22 2003.

23 She filed an application with the Respondents on July 14,
24 2003 to afford the Petitioner derivative asylee status.
25

1 Nearly three years later, on June 2, 2006, Petitioner filed a
2 writ of mandamus compelling the Respondents to adjudicate the
3 above application.

4 A Joint Case Management Statement must be filed by 09/28/06
5 with an Initial Case Management Conference set for 10/05/06.

6 The Court issued an Order to Show Cause on July 26, 2006.
7 The Government has responded to the OSC and the Petitioner's
8 response is due on 09/01/06. A hearing is set for 09/22/06.

9 In filing the Response, a dispute arose between the parties
10 as to whether or not the Petitioner had his fingerprints taken on
11 January 31 of this year. The background check is an essential
12 predicate to the granting of the petition.

13 The Respondents claim that he did not, the Petitioner claims
14 that he did and that he provided a fingerprint receipt.

15 In any event, the Respondents have agreed to provide the
16 Petitioner with another appointment to have his prints taken.

17 They aver that this is the final impediment to the resolution
18 of the petition filed by Petitioner's wife.

19 In the interest of judicial economy the parties stipulate to
20 holding this case in abeyance pending the resolution of the
21 fingerprint check.

22 Now, it is Petitioner's contention that the Government
23 engaged in unconscionable delay in not initiating the
24 fingerprinting and background check until three years had passed
25

1 from the filing of the petition in this case, nevertheless, the
2 proposed stipulation between the parties will best promote
3 judicial and administrative economy.
4

5 Dated: _____ 2006
6

7 _____/s/ _____
8

9 Frank P. Sprouls

10 Attorney for Petitioner

_____ /s/ _____

Edward Olsen

US Attorney

11 _____
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13 US District Court Judge
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